

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN KARL WAITSCHIES**, on April 8, 2005 at 8:00 A.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Karl Waitschies, Chairman (R)  
Rep. Gary Branae, Vice Chairman (D)  
Rep. Bob Lake, Vice Chairman (R)  
Rep. John Balyeat (R)  
Rep. Norma Bixby (D)  
Rep. Margaret H. Campbell (D)  
Rep. Jill Cohenour (D)  
Rep. Tom Facey (D)  
Rep. Wanda Grinde (D)  
Rep. Carol Lambert (R)  
Rep. Jim Peterson (R)  
Rep. Holly Raser (D)  
Rep. John (Jack) W. Ross (R)  
Rep. Scott Sales (R)  
Rep. Bill Warden (R)  
Rep. Brady Wiseman (D)

**Members Excused:** None.

**Members Absent:** Rep. Edward B. Butcher (R)  
Rep. George G. Groesbeck (D)  
Rep. Dennis Himmelberger (R)  
Rep. Dave McAlpin (D)

**Staff Present:** Jeff Martin, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:

Executive Action: SB 432; SB 323; SB 345  
SB 219; SB 303; SB 340

**EXECUTIVE ACTION ON SB 219**

00:02:01 **Motion:** REP. PETERSON moved that SB 219 BE CONCURRED IN.

00:02:09 **Motion:** REP. PETERSON moved that SB 219 BE AMENDED.

**EXHIBIT** (tah75a01)

**Discussion:**

00:02:28 REP. PETERSON

00:02:52 Jeff Martin, Legislative Services Division

00:03:46 **Vote:** Motion carried unanimously by voice vote with REPS. GROESBECK, McALPIN, HIMMELBERGER and BUTCHER voting by proxy.

00:04:01 **Motion:** REP. LAKE moved that SB 219 BE CONCURRED IN AS AMENDED.

**Discussion:**

00:04:09 REP. FACEY

00:04:37 REP. COHENOUR

00:05:19 REP. BALLYEAT

00:06:13 REP. WARDEN

00:07:10 REP. WISEMAN

00:08:39 REP. BRANAE

00:09:20 **Motion/Vote:** REP. COHENOUR moved that SB 219 BE AMENDED. Motion carried unanimously by voice vote with REPS. HIMMELBERGER, BUTCHER, GROESBECK and McALPIN voting by proxy.

**EXHIBIT** (tah75a02)

00:09:55 **Motion:** REP. LAKE moved that SB 219 BE CONCURRED IN AS AMENDED.

00:10:01 REP. BIXBY left the Committee Meeting.

00:10:06        Substitute Motion/Vote:   REP. SALES made a substitute motion that SB 219 BE TABLED. Substitute motion carried 17-3 by roll call vote with REPS. PETERSON, ROSS, and WISEMAN voting no and REPS. BIXBY, BUTCHER, GROESBECK, HIMMELBERGER and McALPIN voting by proxy.

EXECUTIVE ACTION ON SB 303

00:12:17        Motion:   REP. LAKE moved that SB 303 BE CONCURRED IN.

00:12:22        Motion:   REP. BRANAE moved that SB 303 BE AMENDED.  
EXHIBIT (tah75a03)

Discussion:

00:13:12        REP. BRANAE  
00:13:55        REP. BALYEAT  
00:14:21        REP. ROSS  
00:14:34        REP. WISEMAN

00:14:40        *REP. HIMMELBERGER arrives at Committee Meeting.*

00:14:56        Vote:   Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. BIXBY, BUTCHER, GROESBECK and McALPIN voting by proxy.

Discussion:

00:16:05        REP. LAMBERT  
00:16:48        REP. LAKE  
00:17:35        REP. COHENOUR  
00:18:00        REP. ROSS  
00:18:34        REP. BALYEAT  
00:19:05        REP. BRANAE  
00:19:27        REP. SALES  
00:20:08        REP. PETERSON

00:20:54        Vote:   Motion failed 9-11 by roll call vote with REPS. BALYEAT, BUTCHER, HIMMELBERGER, LAMBERT, PETERSON, ROSS, SALES, WAITSCHIES, and WARDEN voting aye and REPS. BIXBY, BUTCHER, GROESBECK and McALPIN voting by proxy.

00:22:31        **Motion/Vote:**   REP. FACEY moved that SB 303 BE  
TABLED AND THE VOTE REVERSED. Motion carried 19-1  
by voice vote with REP. BALLYEAT voting no and  
REPS. BIXBY, BUTCHER, GROESBECK and McALPIN voting  
by proxy.

00:23:01        *CHAIRMAN WAITSCHIES left Committee Meeting and  
REP. LAKE assumed Chair responsibilities.*

**EXECUTIVE ACTION ON SB 340**

00:23:10        **Motion:**   REP. COHENOUR moved that SB 340 BE  
CONCURRED IN.

**Discussion:**

00:23:22        REP. FACEY  
00:23:44        REP. LAMBERT  
00:24:13        REP. LAKE

00:24:40        *CHAIRMAN WAITSCHIES returned to Committee Meeting.*

00:24:53        **Vote:**   Motion carried unanimously by voice vote  
with REPS. BIXBY, GROESBECK, McALPIN and BUTCHER  
voting by proxy. REP. HIMMELBERGER will carry SB  
340.

**EXECUTIVE ACTION ON SB 432**

00:26:26        **Motion:**   REP. LAKE moved that SB 432 BE CONCURRED  
IN.

00:26:38        **Motion:**   REP. LAKE moved that SB 432 BE AMENDED.  
[EXHIBIT](#) (tah75a04)

**Discussion:**

00:28:08        REP. LAKE  
00:28:37        REP. PETERSON

00:28:47        **Vote:**   Motion carried unanimously by voice vote  
with REPS. BIXBY, GROESBECK, McALPIN and BUTCHER  
voting by proxy.

00:29:13        **Motion:**   REP. FACEY moved that SB 432 BE CONCURRED  
IN AS AMENDED.

Discussion:

00:29:21 REP. LAMBERT

00:29:36 Vote: Motion carried 19-1 by voice vote with REP. SALES voting no and REPS. McALPIN, BUTCHER, and GROESBECK voting by proxy. REP. GRINDE will carry SB 432.

EXECUTIVE ACTION ON SJ 20

00:30:37 Motion: REP. LAKE moved that SJ 20 BE CONCURRED IN.

Discussion:

00:30:52 REP. PETERSON

00:31:21 REP. ROSS

00:31:50 REP. LAKE

00:32:07 REP. FACEY

00:32:32 REP. BRANAE

00:32:51 REP. LAKE withdrew the Motion To Concur.

Discussion:

00:33:14 REP. LAKE

00:33:48 REP. RASER

EXECUTIVE ACTION ON SB 323

00:34:43 Motion/Vote: REP. PETERSON moved that SB 323 BE CONCURRED IN. Motion carried unanimously by voice vote with REPS. BIXBY, McALPIN, BUTCHER and GROESBECK voting by proxy. REP. LAKE will carry SB 323.

EXECUTIVE ACTION ON SB 345

00:36:27 Motion: REP. FACEY moved that SB 345 BE CONCURRED IN.

Discussion:

00:36:33 REP. FACEY

00:37:47 Jeff Martin, Legislative Services Division

00:38:48 Motion: REP. LAKE moved that SB 345 BE AMENDED.

[EXHIBIT](#) (tah75a05)

**Discussion:**

00:39:05 Jeff Martin, Legislative Services Division

00:42:23 **REP. SALES**

00:43:04 **REP. COHENOUR**

00:43:46 **Vote: Motion carried 18-2 by voice vote with REP. SALES and REP. WAITSCHIES voting no and REPS. BIXBY, McALPIN, BUTCHER and GROESBECK voting by proxy.**

00:44:36 **Motion: REP. LAKE moved that SB 345 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:44:49 **REP. COHENOUR**

00:45:05 **CHAIR WAITSCHIES**

00:45:27 **REP. SALES**

00:47:03 **REP. ROSS**

00:47:53 *REP. BIXBY arrived at Committee Meeting.*

00:48:00 **REP. LAKE**

00:49:04 **REP. FACEY**

00:50:34 **REP. BRANAE**

00:51:44 **REP. COHENOUR**

00:52:53 **REP. WARDEN**

00:52:55 *REP. FACEY left Committee Meeting.*

00:53:39 Dolores Cooney, Montana Department of Revenue

00:55:57 **CHAIRMAN WAITSCHIES**

00:56:11 *CHAIRMAN WAITSCHIES left Committee Meeting. REP. LAKE assumed Chairman duties.*

00:56:37 **REP. ROSS**

00:57:23 *REPS. BRANAE and WARDEN left the Committee Meeting.*

00:58:25 **REP. PETERSON**

01:00:34 **REP. WISEMAN**

01:01:49 **REP. RASER**

01:02:40 Dolores Cooney, Montana Department of Revenue

01:06:19 **REP. ROSS**

01:07:05 **REP. COHENOUR**

Discussion:

01:08:34 REP. LAMBERT

01:09:36 REP. RASER

01:11:14 Vote: Motion failed 9-11 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, and RASER voting aye and REPS. BRANAE, BUTCHER, FACEY, GROESBECK, MCALPIN and WARDEN voting by proxy.

01:12:34 Motion/Vote: REP. ROSS moved that SB 345 BE TABLED AND THE VOTE REVERSED. Motion carried 17-3 by voice vote with REPS. COHENOUR, GRINDE, and RASER voting no and REPS. BRANAE, BUTCHER, FACEY, GROESBECK, MCALPIN and WARDEN voting by proxy.

**ADJOURNMENT**

Adjournment: 9:20 A.M.

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REP. KARL WAITSCHIES, Chairman

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DEBRA POLHEMUS, Secretary

KW/dp

Additional Exhibits:

**EXHIBIT ([tah75aad0.TIF](#))**